



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,566	09/11/2000	Manabu Akamatsu	040894-5574	4700

9629 7590 11/19/2003

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

MILLER, RYAN J

ART UNIT	PAPER NUMBER
----------	--------------

2621

DATE MAILED: 11/19/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,566

Applicant(s)

AKAMATSU ET AL.

Examiner

Ryan J. Miller

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: Machine translation of JP 10-126614.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "S72" in Fig. 17 and "S71" on page 29, line 6 of the specification have both been used to designate the step of judging that the object is in the cutout image area. The drawings are also objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: a) "61[✓]F" and "61[✓]G" of Fig. 6, b) "7[✓]4" of Fig. 11, c) "S11[✓]" of Fig. 12, and d) "S56" of Fig. 15. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: The specification is replete with grammatical errors that make it difficult to read. A few of these errors will be described below; however, the examiner requests a complete review of the specification for any additional errors.

At page 17, line 25 a "are magnification estimating means" is described. In this instance "are" should be replaced with "area". This error was noticed throughout the specification. Correction of this issue is required.

At page 24, lines 16-24, the specification describes that characteristic quantity 1D is extracted twice. This is not consistent with Fig. 13. Appropriate correction is required.

Art Unit: 2621

At page 29, lines 18-19, the specification states, "[t]his step outputs information stating that the that the object image ...". The examiner requests correction of the repeated phrase "that the" in this sentence.

Claim Objections

1. The following quotation of 37 CFR § 1.75(a) is the basis of objection:

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

2. Claims 2 and 7-21 are objected to under 37 CFR § 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

Claim 2 recites the limitation "said plurality of magnification estimating means computes". This limitation is grammatically awkward. The examiner suggests changing this limitation to read, "said plurality of magnification estimating means compute".

Claims 7-9 recite the limitation "[t]he image processing apparatus" in line 1. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests changing this limitation to read, "The image processing system".

Claim 10 recites the limitation "said image processing system" in line 4. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests changing this limitation to read, "said image processing method".

Claims 11-18 are objected to for depending on an objected to claim.

Claim 19 recites the limitation "said image processing apparatus" in lines 13-14. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests changing this limitation to read, "the image processing system".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8-15, and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoritsugu et al. (JP 10-126614 A).

As applied to claim 1, Yoritsugu et al. discloses an image processing system for processing an input image containing an object image of a predetermined pattern which may have been magnified (see Fig. 6 and paragraph [0038]: The reference describes an image processing system for processing an image that may have the specific pattern shown in Fig. 6.), said image processing system comprising: one or more characteristic quantity computing means for computing a characteristic quantity representative of a characteristic of an object image possibly contained in an input image (see Fig. 12 and paragraphs [0048]-[0049]: The reference describes that section 35 (characteristic quantity computing means) extracts the greatest degree of coincidence (i.e. characteristic quantity) between masks 34a-34e and the specific pattern (i.e. an object image). Therefore, this degree of coincidence is a characteristic quantity representative of a characteristic of the specific pattern.); and a plurality of magnification estimating means for computing a magnification on the basis of one or more characteristic quantities computed by and output from said one or more characteristic quantity computing means (see Fig. 12 and paragraph [0058]: The reference describes that dictionaries 31a-31e (i.e. a plurality of magnification estimating means) corresponding to different magnification levels are prepared.

Art Unit: 2621

These dictionaries determine the magnification on the basis of a comparison with the value output by section 35 (i.e. the characteristic quantity computing means).).

As applied to claim 2, Yoritsugu et al. discloses that the plurality of magnification estimating means compute said magnification in consideration of an error or errors of one or more characteristic quantities computed by said one or more characteristic quantity computing means (see paragraph [0058]: The reference describes that the magnification is determined based on a comparison between the values in the dictionaries 31a-31e (i.e. magnification estimating means) and the value provided by section 35 (i.e. the characteristic quantity estimating means). This comparison can be viewed as an error by section 35 and is used to determine the magnification.).

As applied to claim 3, Yoritsugu et al. discloses a judging means for judging whether or not said object image is present in said input image, from said plurality of magnification levels estimated by said plurality of magnification estimating means (see Fig. 12 and paragraph [0058]: The reference describes a judgment section 30' for determining if the specific pattern is in the image based on the magnification.).

As applied to claim 4, Yoritsugu et al. discloses that the judging means synthetically judges whether or not said object image is present in said input image in consideration with an error or errors of magnification levels estimated by said plurality of magnification estimating means (see paragraph [0060]: The reference describes that the judging means 30' synthetically determines if the specific pattern is in the image based on the magnification.).

As applied to claim 6, which is representative of claim 5, Yoritsugu et al. discloses that the judging means judges whether or not said object image is present in said input image, from

Art Unit: 2621

one or more characteristic quantities computed by said one or more characteristic quantity computing means and an error or errors of a plurality of magnification levels estimated by said plurality of magnification estimating means (see paragraph [0058]: The reference describes judgment section 30' for determining if the specific pattern is in the image based on the difference between the value determined by section 35 (i.e. characteristic quantity computing means) and the value from dictionaries 31a-31e (i.e. a plurality of magnification estimating means). This difference is equivalent to the error of the magnification estimating means.).

As applied to claim 8, Yoritsugu et al. discloses a resolution converting means for converting a resolution of said input image into another resolution, said resolution converting means being located at the pre-stage of said characteristic quantity computing means (see Fig. 12 and paragraph [0039]: The reference describes a resolution transducer 25 (i.e. resolution converting means) for changing the resolution of the input image into a lower resolution. As can be seen in Fig. 12, this element is located at a pre-stage of section 35 (i.e. characteristic quantity computing means).).

As applied to claim 9, Yoritsugu et al. discloses a window processing means for sequentially cutting predetermined image areas out of said input image, said window processing means being located at the pre-stage of said characteristic quantity computing means (see Fig. 12 and paragraph [0046]: The reference describes a window section 33 for extracting a picture window of a predetermined area from the input image. As can be seen in Fig. 12, this element is located at a pre-stage of section 35 (i.e. characteristic quantity computing means).).

Art Unit: 2621

As applied to claims 10-15, 17, and 18, which merely call for the method performed by the system of claims 1-6, 8, and 9, Yoritsugu et al. discloses such a method since the reference discloses the system.

As applied to claim 19, Yoritsugu et al. discloses an image forming apparatus comprising: interface means for receiving an image which may have been magnified, from an external device; image forming means for forming an image on the basis of the image data received by said interface means (see Fig. 4 and paragraph [0036]: The reference describes an image formation section 20 which carries out image formation of the image data. This image formation section has an interface that receives an input image from an external device such as a PC.), recognizing means for judging whether or not an object image is present in said input image (see Fig. 4 and paragraph [0037]: The reference describes a recognition section 22 that determines whether the specific pattern exists. This recognition section 22 includes the image processing system as described in the rejection of claim 1.); and control means for controlling an overall of said image forming apparatus, when said recognizing means judges that said object image is contained in said image data received by said interface means, said control means making said image data invalid (see Fig. 4 and paragraph [0037]: The reference describes a control section 21 that controls the overall image forming apparatus and performs output prohibition based on the results provided by the recognition section 22.).

As applied to claim 20, Yoritsugu et al. discloses that the control means performs said image invalidating process such that said control means causes said image forming means to form an image on the basis of predetermined image data and the image data received by said interface means (see paragraph [0037]: The reference describes that if the control means

Art Unit: 2621

performs output prohibition processing, then the control means forms an image where part of the image is blacked out (i.e. on the basis of predetermined image data and the image data received by said interface means).).

As applied to claim 21, Yoritsugu et al. discloses that the control means performs said image invalidating process such that said control means inhibits the formation of said received image data (see paragraph [0037]: The reference describes that if the control means performs output prohibition processing, then the control means suspends output of the image data.).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Yoritsugu et al. (JP 10-126614 A) and Nakai et al. (U.S. Patent No. 5,539,523 A). The arguments as to the relevance of Yoritsugu et al. in the rejection of claim 1 above are incorporated herein.

Claim 7 calls for a specific color extracting means for extracting a specific color from said input image. This element is absent from Yoritsugu et al., but is disclosed in Nakai et al., which is in the same field of endeavor of image forming (see Fig. 10 and column 10, lines 35: The reference describes that a specific color in an image can be extracted.).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Yoritsugu et al. by adding a specific color extracting means at a

Art Unit: 2621

pre-processing stage in the system as taught in Nakai et al. because, by extracting a specific color from an image, the image data is thinned allowing any future processing to be performed at a reduced speed (cost) (see Nakai et al.: column 6, lines 43-45).

As applied to claim 16, which merely calls for the method performed by the system of claim 7, the combination of Yoritsugu et al. and Nakai et al. discloses such a method since the combination discloses the system.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hasuo et al. (U.S. Patent No. 5,765,089 A) is pertinent in that it discloses an image forming system that detects whether an input image includes a specific image.

Gasper et al. (U.S. Patent No. 5,864,742 A) is pertinent in that the reference discloses a system that restricts copying based on a pattern detected in the image.

Okubo et al. (U.S. Patent No. 5,647,010 A) is pertinent in that the reference discloses an image forming apparatus that prevents copying of certain documents.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan J. Miller whose telephone number is (703) 306-4142. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

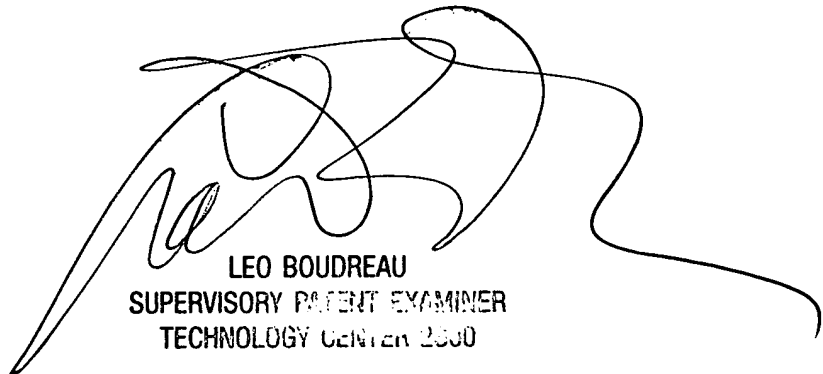
Art Unit: 2621

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



Ryan J. Miller

Ryan J. Miller
Examiner
Art Unit 2621



LEO BOUDREAU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600